

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 IO-13 ACDA-07 SY-05 SCCT-01

SAJ-01 TRSE-00 /080 W

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O R 161455Z AUG 76

FM USMISSION USBERLIN

TO SECSTATE WASHDC IMMEDIATE 2952

AMEMBASSY BONN IMMEDIATE

INFO AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION USNATO

CONFIDENTIAL USBERLIN 1700

E.O.11652: GDS

TAG: PGOV, PFOR, EAIR, WB, GE, GW, US, FR, UK

SUBJECT: WELT STORY ON FEDERAL PROSECUTION OF LORENZ

KIDNAPPERS IN BERLIN

RERF: BONN 13126

1. DIE WELT AUG. 16 CARRIES PIECE ON P. 2 SOURCED TO QUOTE
JUSTICE AUTHORITIES UNQUOTE REPORTING THAT ALLIES HAD AGREED
TO PERMIT THE PROSECUTION OF THE LORENZ KIDNAPPERS TO TAKE
PLACE IN BERLIN AND THE FEDERAL PROSECUTOR TO HANDLE THE CASE
IN BERLIN. STORY NOTES, HOWEVER, THAT BUBACK HIMSELF WILL NOT
BE PROSECUTOR. ALLIES ARE SAID TO HAVE EXAMINED THE ISSUE
WITHOUT DELAYING THE INVESTIGATION AND TO HAVE CONCLUDED
ALONG WITH THE FEDERAL GOVT AND BERLIN SENAT THAT A FEDERAL
PROSECUTION IN BERLIN WOULD NOT REPEAT NOT BE A VIOLATION OF
THE QA SINCE NO GOVERNANCE OF BERLIN WAS INVOLVED

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2. WITH POHONE CALLS COMING AUG. 16, WE WORKED OUT FOL-

LOWING PRESS GUDIANCE BASEXED ON REFTEL WITH EMBASSY BONN:
" WHILE ONLY THE RESPONSIBLE GERMAN AUTHORITIES ARE IN A
POSITION TO COMMENT AUTHORITATIVELY ON THE STATUS OF THE
INVESTIGATION, ITIS NOT OUR IMPRESSION THAT ANY INDICT-
MENTS IN THE CASE ARE IMMINENT.

THOSE GERMAN AUTHORITIES CARRYING OUT THE BERLIN
POSITION OF THE INVESTIGATION ARE ACTING IN CONFORMITY WITH
ALLIED RIGHTS AND RESPONSIBILITIES AND ARE SUBJECT TO
ALLIED AUTHORITY."

WE HAVE SUBMITTED THIS FOR PRO FORMA BRITISH AND FRENCH
CLEARANCE (PRO FORMA BECAUSE IT WAS ESSENTIALLY CLEARED
IN BONN). WE WILL NOT RPT NOT CONFIRM FACT OF ALLIED
DECISION.

3. WE EXPECT WELT STORY WILL STIR NON-VACATIONING SOVIETS
INTO ACTION. IF SO, WE WILL ADHERE TO
ORAL STATEMENT OF POLAD TO TYUTYNOV MADE ON
AUGUST 6 (USBERLIN 1631). UNFORTUNATELY THIS DOES NOT
FULLY ADDRESS THE NEW SOVIET TWIST IN THEIR AUGUST 6
COMPLAINT , I.E., THAT IT WILL BE EQUALLY BAD WHETHER THE
FEDERAL PROSECUTOR GENERAL HIMSELF CONDUCTS THE PROSECTUION
IN BERLIN, OR WHETHER IT IS CONDUCTED BY A RPERESENTATIVE
OF HIS OFFICE.

GEORGE

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